S.B.Cr.Misc. II Bail App. No.4531/2007
(Smt. Kamla Devi Vs. State of Rajasthan)

Date of order : 26/09/2007

HON'BLE MR.H.R.PANWAR, J.

Dr. Sachin Acharya for the petitioner.

Mr. Ashok Upadhyaya, Public Prosecutor.

Heard learned counsel for the petitioner and the Public Prosecutor for the State. Perused the order impugned.

Earlier, while rejecting the bail application, the petitioner was granted liberty to move fresh bail application after statement of Smt. Tulsa @ Suman w/o Jitendra Paliwal is recorded and the trial court was directed to record statement of the said witness.

Learned counsel for the petitioner has placed on record statement of PW7 Smt. Tulsa @ Suman, wherein she has not supported the prosecution story and has turned hostile. He further submits that even the material witnesses have not supported the prosecution case.

Without commenting on the merit of the case, however, looking to the facts and circumstances of the case and having considered the oral arguments advanced by both the parties, I think it just and proper to enlarge the accused petitioner on bail.

Accordingly, this bail application filed under Sec. 439 Cr.P.C. is allowed and it is directed that petitioner Smt. Kamala Devi w/o Panna Lal Ji be released on bail in FIR No.334/2007 P.S. Rajnagar, district Rajsamand, provided she executes a personal bond for a sum of Rs. 20,000/- with two sound and solvent sureties in the sum of Rs. 10,000/- each to the satisfaction of learned trial court for her appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(H.R.PANWAR), J.

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